

Summaries

Developing Rights? Relating Discourse to Context and Practice

Jethro Pettit and Joanna Wheeler

As increasing attention is focused on rights-based approaches, there is the danger that a rights-based agenda will become narrowed into a top-down, donor-led trend. On the other hand, much of the current focus on rights-based approaches derives from struggles for rights that are rooted both historically and contextually in experiences of exclusion and marginalisation, and have the capacity to contribute positively to change. Drawing on the range of contributions to this *IDS Bulletin*, the introduction highlights some of the key lessons about using rights effectively. First, important historical and geopolitical forces are behind the timing and framing of the rights-based discourse, which bear careful examination. Second, the contexts of actual struggles are crucial to understanding how rights become substantive. Third, the process of making rights real is a political one, rather than a technical or procedural one, because it entails confronting the structural inequalities that underlie the negation of rights. Understanding how rights can shift power relations is essential to realising the potential of rights to contribute to change. Finally, a rights perspective, when understood within particular contexts and linked to strategies to shift power relations, has the potential to confront some of the most prominent assumptions of development orthodoxy and emerging agendas of security.

Why Rights, Why Now? Reflections on the Rise of Rights in International Development Discourse

Andrea Cornwall and Celestine Nyamu-Musembi

This article seeks to explore some of the trends that have led to the emergence of today's interest in human rights. The grounding of rights-based approaches in human rights legislation, some would argue, makes them distinctively different to others, lending the promise of re-politicising areas of development work, particularly, perhaps, efforts to enhance participation in development that have become domesticated as

they have been mainstreamed. But the label "rights-based approach", others would point out, is fast becoming the latest designer item to be seen wearing and is being used to dress up the same old development issues. We ask why rights has come to be of interest to international development actors, and why now, and explore some of the implications of the shift to thinking and talking about rights for the politics and practice of development.

Rights-based Approaches and Bilateral Aid Agencies: More Than a Metaphor?

Laure-Hélène Piron

Are rights-based approaches no more than a metaphor, or do they point to a consensus around a set of desirable changes in the policies, programmes and behaviour of aid agencies? This article reviews the apparition of rights-based approaches in bilateral development aid agencies in recent years, which it distinguishes from rhetorical commitments to human rights or human rights mainstreaming. Rights-based approaches are meant to be transformative of how aid is conceptualised and delivered. While there have been differences in emphasis in the approaches adopted by some agencies, this article shows that a common core can be identified and some transformations are under way. However, much remains to be done to influence not just the behaviour of individual agencies, but the international consensus on aid and the place of human rights within it.

Rights-based Development: Linking Rights and Participation – Challenges in Thinking and Action

Valerie Miller, Lisa VeneKlasen and Cindy Clark

The growing interest in pursuing "rights-based approaches to development" is raising questions about how these two broad traditions – human rights and development – can best work together in practice. In particular, participatory development approaches seem to have much to contribute to efforts to better define and achieve economic, social and cultural rights. At the same time, human rights perspectives and methods could deepen the impact

of many participatory development efforts. In this comparative review of the discourses of major international human rights and development NGOs (largely US-based), it becomes clear that more systematic thinking and dialogue is needed on both fronts, however. There is a need to clarify actual meanings of participation and rights, their relation to notions of power and empowerment, and the ways these can all connect in practice. The development arena could benefit by rediscovering emancipatory and political notions of participation, while the rights domain could become better grounded in people's daily needs, their struggles for survival and their wishes to participate in decision making. Both the rights and development communities could benefit by deepening their analysis of power and empowerment. A more holistic understanding of these concepts and the links between them would help to bridge the gaps between development, participation, and rights, leading to more effective processes of social change.

An Actor-oriented Approach to Rights in Development

Celestine Nyamu-Musembi

While international efforts to tackle poverty and social exclusion increasingly focus on issues of rights and citizenship, the gap between poor people and the institutions charged with protecting their rights has widened. In addition, there is a gap between the way in which rights are framed in actual struggles informed by people's own understanding of what they are entitled to and in dominant discourses about rights. Looking for the meaning of rights from the perspective of those claiming them pushes the boundaries of conventional human rights debates and expands the range of claims that can be validated as rights. This article draws out these "actor-oriented" perspectives through a discussion of three key debates that have preoccupied human rights scholars and practitioners, challenging many of the assumptions that underlie them.

Rights-based Approaches: Recovering Past Innovations

Valerie Miller, Lisa VeneKlasen and Cindy Clark

There is a wealth of historical experience and innovation in the area of rights and participation which remain relatively unknown to many of today's policy-makers and practitioners and which could be usefully recovered and applied. Drawing upon

decades of experience and research on these approaches, this article examines three broad areas of past innovation that link rights and participation and explores how these methods address power and encourage awareness and citizenship. The article first traces the diverse traditions that have contributed to participatory approaches, including human relations, organisational development, community organising, education for action, popular education, participatory research and participatory action research, and adult and non-formal education. The article then examines traditions of legal rights advocacy and then turns to a review of women's rights experiences from recent decades. In these diverse historical streams, the authors seek to recover an emphasis on the central role of power in mediating possibilities for change.

Rights and Power: The Challenge for International Development Agencies

Alexandra Hughes, Joanna Wheeler and Rosalind Eyben

Many international development agencies have incorporated rights into their policy approaches but the relationship between rights and shifting power relations is still rarely addressed. In this article, the authors consider that rights-based approaches should inherently politicise development by inviting power structures to be challenged, from the policy and programme levels to the organisations and individual actors involved and the values, cultures and principles that underpin them. This was the theme of a recent workshop for donor representatives at the Institute of Development Studies. Participants explored meanings and expressions of power and reflected on the significance of these for their own individual and organisational behaviour as powerful development actors. This article discusses key issues emerging from the workshop and the challenges faced by staff when they seek to promote rights-based approaches in their organisations.

Can a Rights-based Approach Help in Achieving the Millennium Development Goals?

Salil Shetty

Much of the current emphasis on the Millennium Development Goals (MDGs) in development abstracts the MDGs from any connection to rights and focuses on the MDGs as technical targets. In fact,

not only does a rights-based approach contribute positively to human development and the fulfilment of the MDGs, but a rights-based approach from the outset underlies and frames the MDGs. This article provides examples of how a rights-based approach to implementing the MDGs strengthens their effects in particular contexts. Understanding how the MDGs and rights in development are linked is essential to the lasting impact of the MDGs on reducing poverty and injustice.

Living Rights: Reflections from Women's Movements about Gender and Rights in Practice

Cindy Clark, Molly Reilly and Joanna Wheeler

A gendered approach to rights fundamentally shifts the way that rights are understood by bringing an analysis of power relations across a variety of dimensions of experiences of rights. By focusing on how power is experienced in different areas of life, a gendered approach can assist in the development of holistic strategies that address the causes of powerlessness and inequality, helping to make rights substantive. Drawing on the experiences of the women's human rights movement over the last three decades, this article explores some of the main contributions that a gendered approach can make to understanding how rights can be used in practice to address exclusion and marginalisation. These examples help to show how rights are experienced, have meaning, and are mediated by power relations and demonstrate the potential of rights to be part of wider process of pro-poor change.

Small Hands, Big Voices? Children's Participation in Policy Change in India

Emma Williams

While the 1990 Convention on the Rights of the Child gives children the right to express their views in matters that affect them, there is little evidence to date on whether or not children and young people can practically influence policy. This article looks at the ways in which their participation might be said to have influenced policy relating to childhood poverty. It draws on a case study concerning working children in India to track the change in outlook on the part of national and local authorities, from a perception of children and young people as passive recipients of services to a recognition of the value of their active participation.

The article concludes that the realisation of children's rights requires expanding and strengthening successful areas of interaction, while building adult support for children's rights and encouraging an institutional willingness to recognise their voices.

Operationalising the Rights Agenda: Participatory Rights Assessment in Peru and Malawi

James Blackburn, Mary Ann Brocklesby, Sheena Crawford and Jeremy Holland

Donors and development practitioners are increasingly seeking ways to operationalise rights-based approaches to development. The Department for International Development's (DFID) Participatory Rights Assessment Methodologies (PRAMs) project was conceived as one response to the challenge of putting their rights agenda into practice. PRAMs, presently being piloted in Malawi and Peru, is seen as an instrument for supporting governments, civil society and other social actors in understanding their rights and obligations and creating the institutional change necessary to ensure participation, inclusion and obligation for all human rights for all people. Emerging lessons confirm that participatory rights assessment is qualitatively different from "conventional" people-centred approaches to development initiatives, with one participant concluding: 'once you understand – really understand – that you have rights, everything changes'.

Defining Rights from the Roots: Insights from Council Tenants' Struggles in Mombasa, Kenya

Samuel Musyoki and Celestine Nyamu-Musembi

This article documents and discusses the experiences of a movement of low-income council tenants in three housing estates in Mombasa, Kenya. The focus of the struggle has been on attaining secure and dignified living conditions. The tenants' struggle illustrates that there is not only clear articulation of rights at the grassroots level, but also the seeds for expansion of the arena of legally recognised rights. The case study demonstrates that the prospects for progressive realisation of the right to housing, indeed of all rights, lie in concrete struggles of movements at the grassroots level, which go beyond the claiming of benefits to make sustained demands for a reshaping of relevant institutions to make them responsive and accountable.

Rights and Citizenship in Brazil: The Challenges for Civil Society

Almir Pereira Júnior, Jorge Romano and
Marta Antunes

“Participation”, “Rights” and “Power Relations” are operated by Brazilian NGOs and social movements as articulated and indissoluble dimensions of the same political process of fight for citizenship. Civil Society Organisations (CSOs) have been playing a key role in the building of a more democratic governance system in Brazil. After two decades of intense advocacy work in participatory arenas for influencing the decision making of public policies, civil society organisations have developed interesting critical reflections of the potentials and limits of these spaces of social control: they are arenas for political dispute and not an end in themselves in the exercise of citizenship. This debate becomes more complex in relation to the new political context of a (expected to be) left-oriented government, after the election of the new president, from the Labour Party.

Beyond Approaches and Models: Reflections on Rights and Social Movements in Kenya, Haiti and the Philippines

Mwambi Mwasaru

The human rights discourse offers an opportunity to look afresh at efforts to find a solution to the problem of poverty in impoverished countries of the world. Furthermore, the human rights discourse, especially in the post-Cold War period, is an ally force to various people-driven struggles against dictatorships and poverty in “developing” countries. However, the human rights discourse

is a body of principles and international law that make sense only in the context of struggles between different interests in a given historical situation. Therefore, from the viewpoint of poverty-stricken masses, the interpretation and usefulness of human rights lie with the kind of political action they organise to resist violation of their rights, on the one hand and to promote the same on the other. The discourse should be seen as one of the packages in the phenomenon of globalisation and the New World Order. Like any other features of the New World Order, the human rights discourse should not be seen as a secret formula to the problem of poverty, especially in countries of the South. The human rights discourse should be subjected to critical assessment in specific situations so as to maximise opportunities offered by this discourse, while recognising its limitations.

Transforming Rights into Social Practices? The Landless Movement and Land Reform in Brazil

Zander Navarro

This article discusses the idea that the transformation of rights as forms of discourse into social practices is a political process more complex than empirical evidence suggests. Based on the case of the Landless Movement in Brazil, the article explores the idea that some apparent forms of rights embedded in conventional demands must be seen under the light of historical contexts and social characteristics of those social actors demanding them. In addition, the very idea of rights is sometimes only the superficial part of a deeper array of tensions and contradictions.